

EK 86-0374X

**Office of Legislative Liaison**

**Routing Slip**

TO:	ACTION	INFO
1. D/OLL		X
2. DD/OLL		X
3. Admin Officer		
4. Liaison	X	
5. Legislation		
6. Ch/Liaison		X
7. DCh/Liaison		X
8.		
9.		
10.		

SUSPENSE

7 Feb 86  
Date

Action Officer:

Remarks:

STAT

STAT

30 Jan 86  
Name/Date

# EXECUTIVE SECRETARIAT ROUTING SLIP

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR				
4	D/ICS				
5	DDI		X		
6	DDA				
7	DDO		X		
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL	X			
14	D/PAO				
15	D/PERS				
16	VC/NIC		X		
17	NIO/LA		X		
18	D/ALA/DI		X		
19	C/LA/DO		X		
20	C/DO		X		
21	ER File				
22					

SUSPENSE

7 Feb 86

Date

## Remarks

To 13: Please have requested information, as appropriate, prepared and a suitable response provided.

Executive Secretary

30 Jan 86

Date

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ON INTELLIGENCE  
WASHINGTON, DC 20515

Executive Registry

86- 0374

*JPSC2*

January 27, 1986

Honorable William J. Casey  
Director of Central Intelligence  
Washington, D. C. 20505

Dear Mr. Casey:

I recently was provided a copy of the attached letter to the Secretary of State from Aryeh Neier, Vice Chairman of Americas Watch, commenting on a specific incident discussed in the President's November 6, 1985 report to Congress concerning human rights abuses in Nicaragua. I was struck by the disparity in the report's account of an incident at Cuapa, Nicaragua on either August 1 or 2, 1985 with the findings of Americas Watch. I therefore would appreciate receiving a copy of all information available to the Agency that bears on the events in question.

With best wishes, I am

Sincerely yours,



Lee H. Hamilton  
Chairman

Enclosure



## AMERICAS WATCH

□ REPLY TO: 36 WEST 44TH STREET, NEW YORK, NEW YORK 10036 (212) 840-9460  
□ REPLY TO: 739 EIGHTH STREET, S.E., WASHINGTON, D.C. 20003 (202) 546-9336

December 26, 1985

★  
Orville H. Schell  
CHAIRMAN  
Aryeh Neier  
VICE CHAIRMAN

The Honorable George Shultz  
Secretary of State  
Department of State  
Washington, DC 20520

★  
Dear Secretary Shultz:

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I write to comment on the report, recently published in the Congressional Record, submitted to Congress by the President on November 6, 1985 in compliance with requirements of the legislation approving "humanitarian" assistance to Nicaraguan insurgents. In addition, I wish to raise a question about sources.

The Americas Watch takes issue particularly with the following paragraph:

"According to those on the scene, a government press story that FSLN and neighborhood defense committee members had been brutally murdered in an August 1, 1985 'contra' attack on Cuapa was false. Witnesses said the encounter was a military-to-military engagement which left a number of Sandinista soldiers dead; there were no civilian casualties. Following the fight, the resistance troops held a town meeting with residents, after which they left. Nevertheless, there were press reports that the 'contras' had not only murdered innocent civilians, but skinned their faces. It appears that the Sandinistas mutilated the bodies of some of their own casualties to substantiate such a charge."

Americas Watch conducted a special investigation of the events in Cuapa after it was first reported, not in the "government press" but in The Washington Post ("Contra Attack Said to Kill 51 Nicaraguan Soldiers" by John Lantigua, August 8, 1985). On August 10 and 11, the Director of our San Salvador office, Ms. Jemera Rone, visited Cuapa and conducted interviews with several witnesses to the attack and to the subsequent events. Incidentally, the attack on Cuapa was on August 2, not August 1. This is what happened.

★  
The attack by an FDN contingent was resisted by Sandinista Army (EPS) soldiers stationed in Cuapa. Several EPS soldiers died in the battle for control of the town. The FDN eventually overcame that resistance, and captured ten soldiers, including nine draftees and one sublieutenant, none of whom were from Cuapa. In

Juan E. Mendez  
DIRECTOR  
WASHINGTON OFFICE

Holly J. Burkhalter  
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REPRESENTATIVE

Jemera Rone  
COUNSEL

occupying the town and organizing a town meeting, the insurgents also captured Olman Martinez, 41, the local government representative, Jose Patricio Telles Brene, 38, the school watchman, and Ms. Alba Escobar, the school librarian and teacher. At the town meeting, the chief of the contras asked the population what to do with Mr. Martinez. Many spoke up for him. Some persons asked the contras what would happen to the soldiers, but the insurgents refused to discuss the matter with the townspeople.

They left the village a few hours later, taking their hostages along. On their way, they ambushed Sandinista reinforcements, killing 32 soldiers. After a short walk into nearby fincas, the hostages were separated. As Mr. Martinez was being carried away by his captors, he heard some 15 minutes of shooting. He was interrogated all day, but around 7 p.m. he was told he could return home because the people had spoken for him. He was finally released at 6:30 a.m. Saturday, August 3. He returned to Cuapa, some 13 kms. away, and the next morning he led soldiers to the area where he had heard the shooting. They found 11 bodies at a fina called La Estacion, owned by a Mr. Roger Marin. Mr. Martinez says the bodies had wounds in their back, and some had signs of mutilation, such as tongue cut out or eyes missing. One of them was Mr. Telles, who was in uniform and armed when captured, although he did not participate in the battle for the town. The only other victim known to Mr. Martinez was Sublieutenant Alvaro Tercero who had been in Cuapa for some time. The other nine were draftees from other parts of Nicaragua.

Ms. Alba Escobar Baez was presumably taken because she had assisted in the draft. The contras told Mr. Martinez that she would be released, but as of Ms. Rone's visit to Cuapa she had not returned home. We understand, however, that she was released several weeks later.

The preceding account is based on interviews conducted by Ms. Rone with many eye-witnesses, including Mr. Martinez and his family, the mother of Mr. Telles, who was with him at the time of his capture, and the father of Ms. Escobar. A more complete memorandum of this mission is available from Americas Watch.

Shortly before this incident, three members of Americas Watch had met with Messrs. Adolfo Calero, Arturo Cruz and Alfonso Robelo, to inquire about the plans to organize a human rights commission and other humanitarian structures within the Unified Nicaraguan Opposition (UNO). As soon as we heard of the Cuapa incident, we submitted our findings to the UNO leadership, asking them to investigate them. Although we have insisted several times, we have yet to receive any information about what those bodies did to investigate this episode and punish those who could be found responsible.

The State Department version of events not only contradicts our on-site findings; significantly, it also contradicts a partial admission made by a prominent leader of the FDN, Mr. Indalecio

Rodriguez, who happens to have been appointed to head one of the recently created humanitarian bodies of the UNO. In an article in The New York Times ("Anti-Sandinistas Vow to End Rights Abuses," September 15, 1985) he was asked about the Cuapa incident. Mr. Rodriguez responded "that it appeared possible that rebels had executed some prisoners. The guerrillas acted harshly, he suggested, only 'because the local people got excited and demanded justice.' He called the incident 'an excess in the heat of war.'"

Mr. Rodriguez's statement not only misrepresents facts, but it also attempts to blame innocent civilians for atrocious crimes. The UNO leader charged with human rights and humanitarian duties attempts to excuse actions that would be inexcusable even if his version of events were correct. But at least he was partially candid. The Reagan administration, instead, preferred to mask the whole episode and deny that it happened. The references to "those on the scene" and "witnesses" are unexplained. Who went to the scene to interview which witnesses?

This is a particularly important question because the Permanent Committee on Human Rights in Nicaragua (CPDH), an organization that is highly critical of the Nicaraguan government and that is frequently cited approvingly by the Administration in the President's report to Congress, declined to go to Cuapa to look into the events of August 2. Before Jemera Rone went to Nicaragua, she called Lino Hernandez, Director of CPDH, and asked him to accompany her to Cuapa to investigate, but he declined saying that CPDH's rules required that he could only look into a matter if the organization received a complaint from a family member, and no such complaint had been made to CPDH. Subsequently, Americas Watch has repeatedly asked CPDH to investigate the episode at Cuapa, but with no success.

Some U.S. journalists did go to the scene, but their accounts confirm the Americas Watch's findings. In addition to John Lantigua's account in The Washington Post (supra) see Dan Williams, "Contra's Raids Send Message to Managua," The Los Angeles Times, August 13, 1985.

As we know of no independent human rights organization other than Americas Watch that went to the scene, and we know of no journalists who went to the scene who reported a different version than the one ascertained by the Americas Watch's researcher, we wonder whether someone from the U.S. Embassy went to the scene. If so, why not say so?

If it was not the Embassy, and no other information on this matter is provided, one has to conclude that the State Department has talked to members of the FDN task force who attacked the town (perhaps chief "Dumas" himself) and decided to relate to Congress this version. We believe that such a procedure is not what the Congress intended when it required the President to report on the contras' compliance with human rights and the laws of armed conflict.

There are a number of other matters in the report to Congress with which the Americas Watch takes sharp issue. We will comment on those at a later date. For the time being, we call on you to respond to the questions we have raised about the source of your information on Cuapa.

Sincerely,

Aryeh Neier

cc: Ambassador Robert Duemling